

**Amendments to the Specification**

Please replace paragraph [0000.1] with the following paragraph.

[000.1] This application is a continuation of U.S. Application Serial No. 09/954,792, filed September 10, 2001, now U.S. Patent No. 6,605,047, the contents of which is hereby incorporated by reference into the present disclosure.

Please replace paragraph [0006] with the following paragraph.

[0006] While biopsy markers are well known, examples of improved biopsy markers are described in U.S. Patent No. 6,356,782, ~~patent application Ser. No. 09/285,329~~ entitled "SUBCUTANEOUS CAVITY MARKING DEVICE AND METHOD" and U.S. Patent No. 6,371,904, ~~09/347,185~~ entitled "SUBCUTANEOUS CAVITY MARKING DEVICE AND METHOD" each of which is incorporated by reference herein. Placement of such biopsy markers may occur through either invasive surgical excision of the biopsy, or minimally invasive procedures such as fine needle aspiration or vacuum assisted biopsy.

Please replace paragraph [0056] with the following paragraph.

[0056] In some variations of the invention the rod 30 may be entirely replaced with fluid. In such a case, a syringe or similar apparatus would provide an actuator/pressure source to displace the fluid and deploy the marker. Moreover, the flexible covering 64 may also be fluid-tight such that the fluid cannot escape from the device. For example, FIGS. 3I and 3J show the flexible covering 64 as having fluid tight seals 78. It is noted that the position of the seals 78, as illustrated, is merely for exemplary purposes as the seals may be placed in any position such that

fluid does not escape. As is apparent, in most cases, the distal end 70 of the access tube 58 will be sealed to prevent leakage of the fluid 74. In some cases, the distal end 70 may be adapted to deliver or leak the fluid in a controlled manner. The fluid 74 may be any biocompatible liquid or gas, e.g., saline fluid, air, etc. In some cases, as the rod 30 exerts a force on the fluid 74, the fluid may compress [[74]]. In such cases, it may become necessary to add additional fluid 74 to the device.